

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

MAR 26 2013

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By Deputy Clerk

LARRY DON WESLEY MAYNARD,

Petitioner,

v.

JERRY CHRISMAN,
Interim Warden,

Respondent.

No. CIV 13-027-RAW-KEW

OPINION AND ORDER
DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner has filed a motion requesting the court to appoint counsel. He bears the burden of convincing the court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). Petitioner alleges he has had a long history of mental illness since he was a teenager. In 1987 he was determined to be mentally ill by the Social Security Administration, and in 2002, the United States District Court for the Northern District of Oklahoma found he was incompetent at that time. All of his supporting exhibits are more than ten years old.

The court has carefully reviewed the merits of petitioner's claim, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering petitioner's ability to present his claims and the complexity of the legal issues raised by the claims, the court finds that appointment of counsel is not warranted. See *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); See also *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, petitioner's motion [Docket No. 5] is DENIED.

IT IS SO ORDERED this 26th day of March 2013.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE